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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,656	08/25/2000	Thomas T. Buzzell	99-722	6372

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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,656

Applicant(s)

BUZZELL ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 29-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

The Attorney seeks to add new claims 29-31 via Paper No. 8. Original claims 29-32 were withdrawn without traverse via Paper No. 7. The newly presented claims will be renumbered 33-35, please reference this new numbering scheme in all further correspondences.

Therefore claims 1-35 are currently pending in the instant application, with claims 29-32 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 8, 11, 15, 18, 22, 25 and 34-35 are rejected under 35

U.S.C. 102(e) as being anticipated by Allsop U.S. Patent No. 5,970,472.

Referring to claim 1. Allsop discloses an e-commerce based method for requesting information and purchasing products from a dealer through a manufacturer (Abstract, "A customer using a remote processing system accesses an order processing unit by first accessing a manufacturer Web site, which provides a hypertext link to one of the processing units."), the method comprising:

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- Sending a request for detailed dealer information to a manufacturer server system using a client system (column 8, lines 32-49);
- Displaying real-time detailed dealer information on said client system based on said request (column 10, lines 4-15);
- Receiving said real-time detailed dealer information from said manufacturer server system (column 10, lines 4-15); and
- Accessing said real-time detailed dealer information with said manufacturer server system from a remote dealer server system via a middleware application system (Fig. 3).

Referring to claim 4. Allsop further discloses a method wherein said real-time detailed dealer information is selected from the group consisting of dealer-level inventory, pricing, and sales information (column 10, lines 4-15).

Referring to claim 8. Allsop discloses an e-commerce based system for requesting information and purchasing products from a dealer through a manufacturer (abstract), the system comprising:

- A client system (Fig. 3);
- A manufacturer server system in communication with said client system, said manufacturer server system having a middleware application system (Fig. 3); and
- A remote dealer server system in communication with said middleware application system to provide real-time detailed dealer information to said manufacturer server system via said middleware application system with said

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manufacturer server system able to send said real-time detailed dealer information to said client system for displaying (Fig. 3 and column 8, lines 32-49).

Referring to claim 11. Claim 11 is rejected under the same rationale as set forth above in claim 4.

Referring to claim 15. Allsop disclose an e-commerce based method for requesting information and purchasing products from a dealer through a manufacturer, the method comprising:

- Creating an item list using a client system (column 2, lines 53-61);
- Sending said item list to a manufacturer server system (column 2, lines 53-61);
- Displaying real-time detailed dealer information on said client system based on said item list (column 8, lines 32-49); and
- Receiving said real-time detailed dealer information from said manufacturer server system; and accessing said real-time detailed dealer information with said manufacturer server system from a remote dealer server system via a middleware application system (column 2, lines 53-61).

Referring to claim 18. Claim 18 is rejected under the same rationale as set forth above in claim 4.

Referring to claim 22. Allsop discloses an e-commerce based system for requesting information and purchasing products from a dealer through a manufacturer, the system comprising:

- A client system for creating an item list (column 2, lines 53-61);

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- A manufacturer server system for receiving said item list (column 2, lines 53-61);
and
- A remote dealer server system for sending real-time detailed dealer information to said manufacturer server system via a middleware application system based on said item list received from said manufacture server system via said middleware application system and said manufacturer server system for sending said real-time detailed dealer information to said client system for displaying (column 8, lines 32-49).

Referring to claim 25. Claim 25 is rejected under the same rationale as set forth above in claim 4.

Referring to claim 34. Claim 34 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 35. Claim 35 is rejected under the same rationale as set forth above in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 9-10, 16-17, 23-24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allsop U.S. Patent No. 5,970,472.

Referring to claims 2-3, 9-10, 16-17, 23-24 and 33. Allsop discloses a method and system according to claims 1, 8, 15, and 22 as indicated supra. Allsop further discloses:

- Sending a purchase request from said remote dealer server system with said detailed dealer information for identifying said request (column 6, line 31 to column 9, line 22).
- Sending said purchase request to said manufacturer server system (column 6, line 31 to column 9, line 22);
- Sending said purchase request with said manufacturer server system to said remote dealer server system via said middleware application system (column 6, line 31 to column 9, line 22);
- Completing said purchasing with said remote dealer server system;
- Sending a confirmation to said manufacturer server system (column 1, lines 15-35); and
- Sending said confirmation with said manufacturer server system to said client system (column 1, lines 15-35).

Allsop does not expressly disclose the use of a quote number or a confirmation number. Data identifying type, characteristics, condition, etc. is not functionally related to the substrate of the method and system. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *Cf. In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious

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to a person of ordinary skill in the art at the time the invention was made to store any data (purchase number, purchase request, quote number, quote request, etc.) in the fields of the method and system as shown in Allsop. The data form does not functionally relate to the substrate of the method and system and merely labeling the data differently from that in the prior art would have been obvious matter of design choice. See *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

Claims 5-7, 12-14, 19-21, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allsop U.S. Patent No. 5,970,472, in view of "Web Gateway Sites Keep Growing."

Referring to claims 5-7, 12-14, 19-21, and 26-28. Allsop discloses a method and system according to claims 1, 8, 15, and 22 as indicated supra. Allsop does not expressly disclose:

- Displaying consumer personalized data received from said manufacturer server system on said client system;
- Wherein said consumer personalized data information is selected from the group consisting of weather, investments, stock portfolio, news and links; and
- Wherein said news is selected from the group consisting of local, national, international and industrial.

"Web" discloses:

- Displaying consumer personalized data received from said manufacturer server system on said client system (at least paragraph 13);

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- Wherein said consumer personalized data information is selected from the group consisting of weather, investments, stock portfolio, news and links (at least paragraph 14); and

Wherein said news is selected from the group consisting of local, national, international and industrial (at least paragraph 13-16).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system and method of Allsop to have included the limitations of "Web" as discussed above in order to have provided a technique by which manufacturers have greater control over the on-line sales of their products (column 1, lines 57-64).

Response to Arguments

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

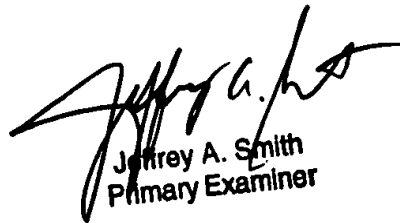
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

June 17, 2003



Jeffrey A. Smith
Primary Examiner